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Before the  
Federal Communications Commission  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
)  
Cellco Partnership d/b/a )  
Bell Atlantic Mobile )  
Petition for Designation as an )  
Eligible Telecommunications Carrier )

CC Docket No. 96-45

To: Chief, Common Carrier Bureau

### COMMENTS

Dobson Communications Corporation ("Dobson"), on behalf of its cellular licensee affiliates, hereby responds to the Common Carrier Bureau's Public Notice of November 16, 1999, seeking comment on Cellco Partnership d/b/a Bell Atlantic Mobile ("BAM") Petition for Designation as an Eligible Telecommunications Carrier.<sup>1</sup> By the Petition, BAM seeks designation as an eligible telecommunications carrier ("ETC") for service areas comprising all of Delaware and parts of Maryland. Dobson does not object to the Petition, provided that the Commission applies a technology-neutral standard in its evaluation *and* affords comparable treatment for petitions filed by competing CMRS providers in BAM's markets.

### BACKGROUND

Dobson is a leading provider of rural and suburban cellular services throughout the country. Dobson began providing cellular service in 1990 in Oklahoma and the Texas Panhandle; from that

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<sup>1</sup> *Petition of Cellco Partnership d/b/a Bell Atlantic Mobile for Designation as an Eligible Telecommunications Carrier*, CC Docket No. 96-45, *Public Notice*, DA 99-2544 (rel. Nov. 16, 1999); *Cellco Partnership d/b/a Bell Atlantic Mobile, Petition for Designation as an Eligible Telecommunications Carrier*, filed Sept. 8, 1999 ("Petition").

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modest inception, Dobson has rapidly expanded its cellular operations with a primary focus on rural and suburban areas with substantial needs for cellular communications. Importantly for purposes of the instant proceeding, Dobson is the non-wireline cellular licensee for the following Maryland markets: Cumberland, Maryland - West Virginia MSA; Hagerstown, Maryland MSA; Maryland 1 RSA - Garrett; Maryland 2 RSA - Kent; and Maryland 3 RSA - Frederick. Dobson anticipates applying for ETC designation in many of its cellular markets, including those in Maryland.

### **DISCUSSION**

Dobson is generally supportive of wireless carriers' efforts to obtain ETC status. The Commission should utilize a technology-neutral standard in its evaluation of BAM's Petition. Indeed, in the initial *Report and Order* in the universal service proceeding, the Commission adopted "competitive neutrality" as one of the guiding principles for the advancement of universal service.<sup>2</sup> Under this principle, the universal support mechanisms, including determination of eligibility, should not "unfairly favor or disfavor one technology over another."<sup>3</sup> Consistent with this policy objective, a carrier's technology should be a non-factor in the Commission's decision making process when examining ETC petitions. Otherwise, the Commission's objectives in designating ETCs (*i.e.*, providing a mechanism for all carriers to gain access to universal service support) will be frustrated.

Importantly for purposes of the instant proceeding, competitive neutrality also "means that universal support mechanisms and rules neither unfairly advantage nor disadvantage one provider

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<sup>2</sup> Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Report and Order*, 12 FCC Rcd 8776, 8801 (1997). ("*Report and Order*").

<sup>3</sup> *Id.*

over another.”<sup>4</sup> As the Commission noted in the *Seventh Report and Order and Thirteenth Order on Reconsideration* in the universal service proceeding, “[a]ll carriers, including commercial mobile radio service (CMRS) carriers, that provide the supported services, regardless of the technology used, are eligible for ETC status under section 214(e)(1).”<sup>5</sup> Pursuant to this principle, Dobson anticipates that if the Commission designates one CMRS provider as an ETC in a given market (e.g., BAM in Maryland), the Commission must remain cognizant that a competing CMRS provider in the same market (e.g., Dobson) may be at a competitive disadvantage vis-a vis high cost/low income customers should it be denied an ETC designation. The Commission should grant a petition filed by a competing CMRS provider in a given area, assuming the petitioner makes the requisite showing and certifications for ETC status.<sup>6</sup>

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<sup>4</sup> *Id.*

<sup>5</sup> *Federal-State Joint Board on Universal Service, Access Charge Reform*, CC Docket Nos. 96-45 and 96-262, *Seventh Report and Order and Thirteenth Order on Reconsideration, Fourth Report and Order, and Further Notice of Propose Rulemaking*, 14 FCC Rcd 8078, 8113 (1999) (emphasis added).

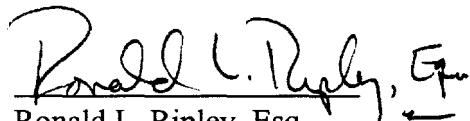
<sup>6</sup> The requisite elements of a petition for ETC status are set forth in *Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act, Public Notice*, 12 FCC Rcd 22947 (1997).

## CONCLUSION

For the reasons stated above, Dobson does not object to BAM's Petition for Designation as an Eligible Telecommunications Carrier, provided that the Commission evaluates the Petition, and any petitions filed by competing CMRS providers, on a competitive- and technology-neutral basis.

Respectfully submitted,

**DOBSON COMMUNICATIONS CORPORATION**

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